

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

**WESTLAKE PILGRIM NAZARENE
CHURCH INC**

CASE NO. 2:22-CV-01880

VERSUS

JUDGE JAMES D. CAIN, JR.

CHURCH MUTUAL INSURANCE CO S I

MAGISTRATE JUDGE KAY

MEMORANDUM ORDER

Before the Court is a “Request for Jury Trial” (Doc. 14) filed by Defendant, Church Mutual Insurance Company, S.I. (“Church Mutual”). The bench trial of this matter is currently set for February 26, 2024. Plaintiff, Westlake Pilgrim Nazarene Church, Inc. (the “Church”) opposes the request. Also, before the Court is a “Motion for Oral Argument” (Doc. 17) filed by the Church.


The Church complains that this case has been proceeding based on the pleadings which have been filed for thirteen (13) months. The Church argues that Church Mutual has waived its right for a jury trial citing rule 38(d) of the Federal Rules of Civil Procedure.

The Court has discretion to order a jury trial of claims for which a jury trial could properly have been made. Rule 39 of the Federal Rules of Civil Procedure. See also *Carbone v. Cable News Network, Inc.*, 910 F.3d 1345, 1353 (11th Cir. 2018); *T G Plastics Trading Co., Inc. v. Toray Plastics (Am.), Inc.*, 775 F.3d 31, 36 (1st Cir. 2014). Here, the Court recognizes that either party has a Constitutional right to a jury. The Court further notes that this matter is set for February 26, 2024, therefore, we cannot conclude that the Church will be prejudiced by Church Mutual’s request for a jury trial. As such,

IT IS ORDERED that the Request for Jury Trial (Doc. 14) is **GRANTED**;

IT IS FURTHER ORDERED that the Motion to Oral Argument (Doc. 17) is **DENIED** as unnecessary.

THUS DONE AND SIGNED in Chambers on this 4th day of October, 2023.



JAMES D. CAIN, JR.
UNITED STATES DISTRICT JUDGE